

Course Name- B.A.L.L.B.- IVth sem

Subject- Sociology

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Topic- Social Legislation of Indian  
Society

# Social Legislation of Indian Society

## CONCEPT OF SOCIAL LEGISLATION.

Legislation can be used as a tool which can help in controlling, guiding and restraining the activities of people and groups of a society. Individuals and groups who live with freedom can have disputes which may involve their own self interest. This may affect the society and ultimately leads to chaos. Legislation controls and directs the people's behaviour to work in a desirable channel. Law is very vast and it even have several branches.

There are a lot of legislation's like taxation, corporate, civil, criminal, commercial etc. The branch which deals with the aggregates of social economic conditions of people is called as the social legislation. Laws are social institution that embodies the social norms. These laws are passed by considering the needs, circumstances and socio-political ideals of the people.

**Dr. R.N. Saxena** defines social legislation as “any act passed by the legislature or a decree issued by the government for the removal of certain social evils or for the improvement of social conditions or with the aim of bringing about social reform”. According to the Dictionary of Sociology by Fairchild “Social legislation means laws designed to improve and protect the economic and social position of those groups in society which because of age, sex, race,. physical or mental defect or lack of economic power cannot achieve health and decent living standards for themselves”.

## **SOCIAL LEGISLATION:**

### **NEEDS AND OBJECTIVES.**

Our Constitution replicates the goals of people to become a welfare state where people enjoys the right to have a dignified life. Citizens of a country are allowed to get and have access to the basic human rights like right to life, employment, work health, education, etc. Social legislation provides us a proper dignified as per the law permissible structure for the accomplishment of goals. When social order changes, new problems and demands arise which are heavy to go out of hand? We as country men are facing a lot of problems of socio-economic injustice, socio-economic inequality, social security and the problems of welfare legislation's. It is important to get the knowledge about the fact that social legislation must meet the needs of the people. Social legislation is needed due to the following:

- To ensure social justice.
- To bring about social reform.
- To promote social welfare.
- To bring social change.
- To protect and promote social rights.

### **Objectives of Social Legislation:**

Social legislation has the following specific objectives:

- Eradication of disparity on the basis of sex, religion, caste and class and promotion of equality.
- Protecting the rights of weaker sections of society.
- Abolition of unprofessional conduct and social evils like dowry, untouchability, etc.
- Stipulation of social security.

## **We need social legislation because:**

- Protection and promotion of rights,
- Prevention of individual and social disorganization.
- Proactive action.
- Pioneering social reforms in social institutions.
- Progressive social values for desired social order.

The aim of social legislation is changing and reorganizing society for the improvement of social and economic condition.. Every individual must be provided equal rights and equal opportunities. Social legislation addresses the social problems through legislative means.

## **IS SOCIAL LEGISLATION A TOOL OF SOCIAL CHANGE**

There are two schools of thought.

1. Social scientists of one school believe that law in itself cannot lead to change, it can only follow change. Thus it cannot be an instrument of the basic transformation of values and attitudes.
2. As per other school of thought, social legislation is an important enabling mechanism of bringing social change.

It would not be incorrect to say that law alone, can not be truly effective unless, it is supplemented and supported by public opinion and administrative reforms.

Despite its limitations social legislation can be a powerful and effective tool in the hands of the professional social workers to fulfil their commitment to the weaker and the marginalised sections of the society.

## **IT'S POTENTIAL FOR CHANGE.**

The British rule in India for the first time established the supreme authority of law in social matters, ensuring uniformity in law and social order which India did not have till then.

In the last century, we have had a series of legislation intended for bringing about significant changes in the status of women, children, scheduled castes and other such vulnerable groups on the one hand, whereas there were legislation for bringing reform in social institutions like family, marriage etc. on the other.

Since Independence a number of social legislations have been passed. We know many of the evil practices such as *sati pratha*, child marriage etc. may have still persisted, had they not been curtailed by timely suitable legislations. Social legislation, beset as it may be with drawbacks, has nevertheless helped us to shelve many of our outmoded traditional customs and practices.

## **CHANGE IN STATUS OF WOMEN**

For instance law has been instrumental in bringing about a change in the status of women. Equality of sexes has been ensured by our constitution and law has endowed many rights on women at par with men.

1. A woman can acquire, hold and transfer absolute property in addition to Stridhana under the Hindu Succession Act 1956. The Act further gives the women the right of succession equal to that of male heirs.
2. The Dowry Prohibition Act of 1961 requires the dowry amount to be transferred to the bride within three months from the time of the solemnization of the marriage. This property is her absolute property.
3. The reforms in the marriage laws of Hindus have removed many disabilities traditionally imposed on women. It has abolished bigamy and divorce can now be legally claimed by a wife.

4. Child Marriage Restraint Act 1929 has restrained child marriage.
5. In matters of employment, a woman is entitled for equal pay as her male counterparts.
6. A daughter can be given and taken in adoption under the Hindu Adoption and Maintenance Act 1956.

## **ABOLISHING THE CASTE SYSTEM**

- Law also has been instrumental in bringing about structural transformation by abolishing the caste system.
- Both under the constitutional and statutory law birth into any caste is no longer a barrier to occupational choice.
- Abolition of untouchability by the Protection of Civil Rights has paved the way for social mobility.
- Many more such instances can be cited where the changes and reforms are brought through social legislations.
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## **CONCLUSION**

Thus, we can say that social legislation has helped in promoting opportunities for the exercise of freedom, dignity and justice to the less fortunate.

## **SOME LEGISLATIONS FOR SOCIAL CHANGE**

### **1. SCHEDULED CASTES WELFARE**

- The Protection of Civil Rights( PCR) Act, 1955
- The Protection of Civil Rights( PCR) Rules, 1977
- The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989
- The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995

### **2. WELFARE OF BACKWARD CLASSES**

- The National Commission for Backward Classes Act, 1993(External website that opens in a new window)
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### **3. EMPOWERMENT OF PERSONS WITH DISABILITIES**

- Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995
- Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Rules, 1996.(External website that opens in a new window)
- National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disability Act, 1999.
- The National Trust Rules, 2000 and The National Trust Regulations, 2001.
- Rehabilitation Council of India Act, 1992.
- Rehabilitation Council of India Rules and Regulations, 1997(External website that opens in a new window)
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### **4. SOCIAL DEFENCE**

- Maintenance and Welfare of Parents and Senior Citizens Act, 2007